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Attorneys for Plaintiffs  
EPIC GAMES, INC. and EPIC GAMES  
INTERNATIONAL S.À.R.L.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EPIC GAMES, INC., a Maryland  
corporation; and EPIC GAMES  
INTERNATIONAL S.À.R.L., a  
Luxembourg Société à Responsabilité  
Limitée,

Plaintiffs,

v.

JAMES MENDES, an individual;  
KONSTANTIN VLADIMIROVICH RAK,  
an individual; and OLEKSEY  
OLEKSEEVICH STEGAILO, an  
individual,

Defendants.

Case No. 3:17-cv-06223-LB

**PLAINTIFFS' EPIC GAMES, INC. AND  
EPIC GAMES INTERNATIONAL  
S.À.R.L.'S REQUEST FOR ENTRY OF  
DEFAULT AS TO DEFENDANT  
KONSTANTIN VLADIMIROVICH RAK**

Judge: Hon. Laurel Beeler  
Courtroom: C, 15th Floor

1 Pursuant to Federal Rule of Civil Procedure (“Rule”) 55(a), Plaintiffs Epic Games, Inc.  
2 and Epic Games International S.À.R.L. (“Epic”) hereby move the Clerk of the Court to enter  
3 default in this matter against Defendant Konstantin Vladimirovich Rak (“Defendant”) for failure  
4 to plead in response to or otherwise defend against Epic’s Complaint within the time prescribed  
5 by Rule 12.

6 Epic filed the Complaint in this action on October 27, 2017. Dkt. No. 1. Shortly  
7 thereafter, Epic sent an email to Defendant informing him of this lawsuit and attaching a copy of,  
8 among other things, the Complaint, Summons, and a Waiver of Service of Summons.  
9 Declaration of Holly M. Simpkins In Support of Plaintiff’s Request for Entry of Default  
10 (“Simpkins Decl.”) ¶ 2. Epic requested that Defendant agree to waive service. *Id.* This email  
11 transmission was successful. *Id.* As Defendant resides in Russia, Epic was unable to serve him  
12 via traditional means. On January 8, 2018, Epic filed a Motion to Serve Defendant Konstantin  
13 Vladimirovich Rak via Alternative Means, which sought leave to serve Defendant by email. Dkt.  
14 No. 19. The Court granted the Motion on January 29, 2018. Dkt. No. 24.

15 On February 14, 2018, Epic served Defendant pursuant to the Court’s January 29 Order  
16 and filed a proof of service with this Court. *See* Dkt. No. 25; Simpkins Decl. ¶ 3. Although  
17 Defendant responded to this email, he has not yet answered the Complaint or otherwise engaged  
18 with this litigation. Simpkins Decl. ¶ 3. The deadline for Defendant to answer or otherwise  
19 respond to the Complaint was March 7, 2018. *See* Fed. R. Civ. P. 12(a)(1).

20 Defendant has not sought, and Epic has not granted, an extension of time to respond to the  
21 Complaint. Simpkins Decl. ¶ 4. Further, Epic believes that Defendant is not a minor,  
22 incompetent person, or officer or agency of the United States, including a member of the United  
23 States military. *Id.*

24 As of the date of the filing of this Request for Entry of Default, Defendant has not  
25 responded to the Complaint and the time period to respond has lapsed. Accordingly, Epic  
26 respectfully requests that the Clerk enter default against Defendant Konstantin Vladimirovich  
27 Rak.

1 DATED: March 21, 2018

2 **PERKINS COIE LLP**

3 By: Holly M. Simpkins

4 Holly M. Simpkins (*pro hac vice*)  
5 HSimpkins@perkinscoie.com

6 Attorney for Plaintiff  
7 Epic Games, Inc. and Epic International  
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